



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4966-98
10 April 2000



Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that in order for you to establish your entitlement to disability ratings for conditions other than those rated by the Physical Evaluation Board, you must demonstrate that each condition was incurred while you were entitled to basic pay, and was unfitting when your name was placed on the Temporary Disability Retired List (TDRL). The Board was not persuaded that your back or lower leg conditions were unfitting when you were transferred to the TDRL in 1991. It found that the remaining conditions were incurred while you were assigned to the TDRL, and are not ratable. It noted that establishing that a condition is related to a period of service is insufficient to show that error or injustice occurred in your case.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request. The Board made no findings concerning the issue of "service connection" for any of your conditions, because that is a matter within the purview of the Department of Veterans Affairs, rather than the Department of the Navy.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director